

MONTANA LEGISLATIVE HISTORY

Chapter III 19 87

Bill H _____ S 264 Original bill & history C

H. Committee on State Administration

Hearing Date(s) Mar 05 ☒ C

_____ ☐ C

_____ ☐ C

_____ ☐ C

Date Out Mar 05 ☒ C

S. Committee on State Administration

Hearing Date(s) Feb 06 ☒ C

Feb 09 ☒ C

_____ ☐ C

_____ ☐ C

Feb 09 ☒ C

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

SENATE FINAL STATUS

4/10 TRANSMITTED TO GOVERNOR
 4/15 SIGNED BY GOVERNOR
 CHAPTER NUMBER 478 EFFECTIVE DATE: 10/01/87

SB 262 INTRODUCED BY GAGE, BROWN, R.
 REVISES THE DEFINITION OF NEW PRODUCTION OF OIL AND GAS

2/02 INTRODUCED
 2/02 REFERRED TO NATURAL RESOURCES
 2/02 FISCAL NOTE REQUESTED
 2/11 FISCAL NOTE RECEIVED
 2/18 HEARING
 2/18 COMMITTEE REPORT--BILL PASSED
 2/20 2ND READING PASSED 49 0
 2/23 3RD READING PASSED 49 0

TRANSMITTED TO HOUSE
 2/24 REFERRED TO NATURAL RESOURCES
 3/09 HEARING
 3/10 COMMITTEE REPORT--BILL CONCURRED
 3/13 2ND READING CONCURRED 93 1
 3/14 3RD READING CONCURRED 91 6

RETURNED TO SENATE
 3/19 SIGNED BY PRESIDENT
 3/20 SIGNED BY SPEAKER

3/20 TRANSMITTED TO GOVERNOR
 3/24 SIGNED BY GOVERNOR
 CHAPTER NUMBER 192 EFFECTIVE DATE: 3/24/87

SB 263 INTRODUCED BY WILLIAMS, B., THAYER
 REMOVE HEARING REQUIREMENT FOR PROJECT FUNDED BY TAXABLE BONDS
 BY REQUEST OF MONTANA ECONOMIC DEVELOPMENT BOARD

2/02 INTRODUCED
 2/02 REFERRED TO BUSINESS & INDUSTRY
 2/13 HEARING
 2/17 COMMITTEE REPORT--BILL PASSED
 2/19 2ND READING PASSED 49 0
 2/21 3RD READING PASSED 49 0

TRANSMITTED TO HOUSE
 2/23 REFERRED TO BUSINESS & LABOR
 3/12 HEARING
 3/12 COMMITTEE REPORT--BILL CONCURRED AS AMENDED
 3/14 2ND READING CONCURRED 95 1
 3/16 3RD READING CONCURRED 92 5

RETURNED TO SENATE WITH AMENDMENTS
 3/19 2ND READING AMENDMENTS CONCURRED 50 0
 3/20 3RD READING AMENDMENTS CONCURRED 49 0
 3/24 SIGNED BY PRESIDENT
 3/25 SIGNED BY SPEAKER

3/25 TRANSMITTED TO GOVERNOR
 3/29 SIGNED BY GOVERNOR
 CHAPTER NUMBER 273 EFFECTIVE DATE: 3/29/87

SB 264 INTRODUCED BY HIMSL, FARRELL, SMITH, E., ET AL.
 GOVERNMENTAL SETTLEMENT AGREEMENTS SUBJECT TO PUBLIC

SENATE FINAL STATUS

INSPECTION

2/02	INTRODUCED		
2/02	REFERRED TO STATE ADMINISTRATION		
2/06	HEARING		
2/10	COMMITTEE REPORT--BILL PASSED		
2/13	2ND READING PASSED	50	0
2/16	3RD READING PASSED	50	0
	TRANSMITTED TO HOUSE		
2/18	REFERRED TO STATE ADMINISTRATION		
3/05	HEARING		
3/05	COMMITTEE REPORT--BILL CONCURRED		
3/07	2ND READING CONCURRED	87	0
3/09	3RD READING CONCURRED	96	1
	RETURNED TO SENATE		
3/12	SIGNED BY PRESIDENT		
3/12	SIGNED BY SPEAKER		
3/12	TRANSMITTED TO GOVERNOR		
3/16	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 111	EFFECTIVE DATE: 10/01/87	

SB 265 INTRODUCED BY BISHOP, GRADY, CAMPBELL, ET AL.
ALLOW FISH AND GAME COMMISSION TO APPOINT DIRECTOR
OF DEPARTMENT

2/02	INTRODUCED		
2/02	REFERRED TO FISH & GAME		
2/12	HEARING		
2/20	ADVERSE COMMITTEE REPORT ADOPTED		
	AS AMENDED	45	2

SB 266 INTRODUCED BY VAN VALKENBURG, CRIPPEN, FRITZ, ET AL.
AUTHORIZE ON-PREMISE CONSUMPTION AT WINERY WITHOUT
CHARGE -- WINERY SALES

2/02	INTRODUCED		
2/02	REFERRED TO TAXATION		
2/05	HEARING		
2/11	COMMITTEE REPORT--BILL PASSED AS AMENDED		
2/14	2ND READING PASSED	49	0
2/17	3RD READING PASSED	50	0

	TRANSMITTED TO HOUSE		
2/23	REFERRED TO TAXATION		
3/27	HEARING		
4/06	COMMITTEE REPORT--BILL CONCURRED		
4/09	2ND READING CONCURRED	92	3
4/10	3RD READING CONCURRED	93	2

	RETURNED TO SENATE		
4/14	SIGNED BY PRESIDENT		
4/15	SIGNED BY SPEAKER		

4/15	TRANSMITTED TO GOVERNOR		
4/20	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 566	EFFECTIVE DATE: 4/20/87	

SB 267 INTRODUCED BY VAN VALKENBURG, MCCALLUM, HARP, ET AL.
PERMIT LEGISLATORS TO APPLY CONTRIBUTION FOR STATE
INSURANCE TO OTHER PLANS

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

February 6, 1987

The nineteenth meeting of the State Administration Committee was called to order by Chairman Jack Haffey on February 6, 1987 at 10:00 a.m. in Room 331 of the State Capitol.

ROLL CALL: All committee members were present.

The hearing was opened on Senate Bill 264.

CONSIDERATION OF SENATE BILL 264: Senator Matt Hims1, Senate District 3, Kalispell, was sponsor of this bill entitled, "AN ACT REQUIRING THAT THE TERMS, CONDITIONS, AND DETAILS OF ANY COMPROMISE OR SETTLEMENT AGREEMENT ENTERED INTO OR APPROVED BY A GOVERNMENTAL ENTITY BE SUBJECT TO PUBLIC INSPECTION; AND AMENDING SECTIONS 2-9-303 AND 2-9-304, MCA." The bills deals with any public sector, compromise or settlement of claims made against political subdivisions being a matter of public record, not necessarily being published but being available for public inspection. (EXHIBIT 1)

PROPOSERS: George Moore, Executive Director of the Montana Press Association, spoke in favor of the proposal which would keep the public better informed about the performance of their officials, elected and appointed, and allow the public to judge whether a governmental entity has done a responsible defense against claims made on the public purse. (EXHIBIT 2) Dan Black, of the Montana Press Association, also spoke in support as he felt the public has a right to know what their elected officials are doing. By allowing the terms of a settlement to remain secret, the insurance companies are removing the accountability from the public policy makers. (EXHIBIT 3) Karl Englund, of the Montana Trail Lawyers' Association, noted usually in a vast majority of cases there is an agreement entered into at the insistence of the insurance companies for confidentiality. He noted there are some cases, for example in the guardianship of a child perhaps, where it is in the best interests to keep the terms and conditions confidential. He noted there are provisions in our constitution for open records for government. He thought perhaps it might be beneficial to add wording for exceptions in cases where the demands of individual privacy clearly exceed the merits of public disclosure.

OPPOSERS: There were none.

QUESTIONS ON SENATE BILL 264: Senator Hims1 was asked if he had objections to the amendment proposed by Karl Englund. He stated he felt it it was in court it was public knowledge already and saw no reason to discriminate. Senator Haffey

asked Karl Englund if the language in the constitution would be operative even if it was not changed in this bill and he noted this was accurate. Senator Anderson noted there is a fine line between the right to know and the right to privacy. Sen. Hims1 felt if it is a matter of being in court it is already public.

In CLOSING, Sen. Hims1 noted that Senator Van Valkenburg has a bill being proposed which would make cases under \$10,000 not needing approval of the court but they would still be subject to public record. He noted it had been suggested in subsection 2 that a possible amendment be made to apply to insurance companies. The bill says self-insurance currently. He urged the committee to carefully consider the bill so they were sure it was doing what it was intended to do. He then CLOSED on SB 264.

The hearing was opened on Senate Bill 267.

CONSIDERATION OF SENATE BILL 267: Senator Fred Van Valkenburg, Senate District 30, Missoula, is chief sponsor of this act entitled, "AN ACT PERMITTING LEGISLATORS TO APPLY THE EMPLOYER CONTRIBUTION FOR GROUP BENEFITS TO PREMIUMS REQUIRED FOR COVERAGE UNDER ANOTHER DISABILITY INSURANCE PLAN; AND AMENDING SECTION 5-2-303, MCA." It would permit legislators who are not enrolled in the state employee's health plan to have this contribution submitted to their own plan. It would provide some equity for those who might have better benefit plans of their own to have these contributions to the state plan be contributed to their plan instead. He felt it would only affect a few, possibly 10 or more. Because the legislators are serving on a parttime basis, he felt it was sufficient reason to take this into consideration for them but not to necessarily expand to all state employees.

PROPOSERS: Rod Sundsted, Chief of the Labor Relations and Employee Benefits Bureau for the Department of Administration, stated it would not be a problem to administrate and had no objections to the legislation. David Evanson, with the Montana University System, felt it would not harm their system and was also in support. A letter of support was also submitted by the Missoula Board of County Commissioners. (EXHIBIT 4)

OPPOSERS: There were none.

QUESTIONS ON SENATE BILL 267: Senator Harding wondered how many people this might affect and was told there are presently 140 legislators who do have the state health plan. Sen. Van Valkenburg noted it would just be a matter of equity to be able to let them apply this to their own plans. Senator Harding wondered if this would just open it up to local government employees asking for this same benefit. Senator Van Valkenburg thought perhaps there might be special employees such as a commissioner or council

Senate State Administration
February 6, 1987
Page Five

EXECUTIVE ACTION ON SENATE BILL 264: Senator Harding MOVED that SENATE BILL 264 DO PASS. Senator Farrell noted there had been mention of a possible amendment regarding insurance companies. It was then decided to discuss this further with Sen. Himsel before taking final action. Senator Harding then WITHDREW her motion.

FURTHER CONSIDERATION OF SENATE BILL 95: Senator Rasmussen wished to discuss the bill further with the printers before final action would be taken as a courtesy to them. Final action will be taken on Monday, February 9. The amendment he was proposing was distributed to the members. (EXHIBIT 7)

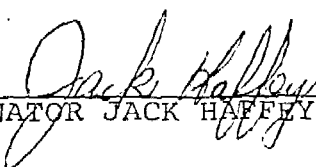
EXECUTIVE ACTION ON HOUSE BILL 158: Senator Lynch MOVED that HOUSE BILL 158 BE CONCURRED IN. It had been called off of second reading on the Senate floor and referred back to the committee for further consideration after a call had been received by a concerned constituent. After discussion the committee voted unanimously to concur in HB 158.

EXECUTIVE ACTION ON SENATE BILL 167: A proposed amendment to SB 167 had been proposed and was distributed to committee members regarding committee bills. (EXHIBIT 8) It would allow more flexibility regarding notification of meetings. Senator Lynch MOVED TO PASS this AMENDMENT. Senator Farrell seconded the motion. The motion carried unanimously.

Senator Lynch then MOVED TO TABLE SB 167 AS AMENDED. Senator Hofman seconded the motion. The motion passed unanimously.

The meeting was adjourned at 11:25 a.m.

cd



SENATOR JACK HAFEEY, Chairman

ROLL CALL

SENATE STATE ADMINISTRATION COMMITTEE.

50th LEGISLATIVE SESSION -- 1987

Date 2/6/87

NAME	PRESENT	ABSENT	EXCUSED
SENATOR JACK HAFLEY	X		
SENATOR WILLIAM FARRELL	X		
SENATOR LES HIRSCH	X		
SENATOR JOHN ANDERSON	X		
SENATOR J. D. LYNCH	X		
SENATOR ETHEL HARDING	X		
SENATOR ELEANOR VAUGHN	X		
SENATOR SAM HOFMAN	X		
SENATOR HUBERT ABRAMS	X		
SENATOR TOM RASMUSSEN	X		

Each day attach to minutes.

DATE _____

FEBRUARY 6, 1987

COMMITTEE ON

SENATE STATE ADMINISTRATION

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)

SENATE BILL #264

SENATE BILL NO. 1
DATE 2-6-87
BILL NO. HIMSL SB264

SETTLEMENTS ARE PUBLIC RECORD

Senate Bill #264 deals only with public sector, compromise or settlement of claims against the state and compromises or settlements of claims against political subdivisions, such as counties, cities and school districts.

When claims are settled by some court action, the settlements are public but when agreements are reached by compromise or negotiation, the public has no way of knowing yet pays the insurance bill that compensates the winner.

It has become not only fashionable but profitable to sue; the action makes the headlines -- then time drifts on -- eventually there is an announcement of a settlement but no one knows what it is. The public - the taxpayer has a right to know.

Our county business manager responded to questions on liability settlements that such information was confidential! I know of several cases where the press could not get the information.

Some of these tort claims against the state are of significant amounts. In the period from 1976 to Feb. 1986, the Dept. of Administration paid \$6,459,769 in settlements.

Individual agencies settled 51 claims for \$796,700. One claim was for over \$500,000.

This bill does not require publishing the terms or conditions of settlement but make them a matter of public record available for inspection.

Surely this is a reasonable, sensible, and forthright requirement for all stewards of the public trust and I respectfully ask for your support for a "do pass" recommendation on Senate Bill #264.

increasing caseload is academic in the nation as well as the state. The American citizen seeks resolution in the courts when dissatisfied with the executive branch, and the Constitution provides access to the courts, due process, and equal protection under the law.

Sen. Mazurek closed discussion urging the committee to keep the human cost of delay in mind on this quality-of-justice issue. The matter is very important and is not a big-ticket item; the bill continues current level spending while preserving the status quo so that even greater sums of money will not be needed for an intermediate level court.

CONSIDERATION OF SENATE BILL NO. 264: Sen. Himsl, Senate District # 3 and sponsor, stated that the bill is an act requiring that the terms, conditions, and details of any compromise or settlement agreement entered into or approved by a governmental entity be subject to public inspection. The bill deals with public sector claims against the state or political subdivisions such as counties, cities, and school districts. When claims are settled by court action the results are made public, but when agreements are reached by compromise or negotiation the public has no way of knowing what happens; the public has a right to know. Liability questions cannot be answered because the information is confidential. Tort claims from 1976 through February 1986 settled against the state are in significant amounts; the Department of Administration paid \$6,459,769 to settle cases, individual agencies settled 51 claims for \$792,700, and one claim was over \$500,000. The bill does not require publishing the terms and conditions of settlements, but makes them available for public inspection. This is a reasonable, sensible, forthright requirement for all stewards of the public trust.

PROPOSERS: George Moore, Montana Press Association, stated that the bill would accomplish two primary things: 1) the public would be better informed about the performance of its officials; and 2) the public would have an opportunity to judge whether the government and insurer have mounted responsible defenses for claims on the public purse. The quality of defense has a direct bearing on availability of insurance and premiums. Information is being withheld needlessly.

OPPOSERS: None.

NAME: GEORGE W. MARE

DATE: 1/6/87

ADDRESS: 1980 N. MAIN

PHONE: 443-2850

REPRESENTING WHOM? INT. PRESS ASSN.

APPEARING ON WHICH PROPOSAL: SB 164

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

2
2-6-87
SB 264

Testimony of George W. Moore, executive director of the Montana Press Association, on SB 264. Hearing before Senate State Administration Committee Feb. 6, 1987.

SENATE BILL NO. 2
DATE 2-6-87
BILL NO. SB 264

MISTER CHAIRMAN, MEMBERS OF THE COMMITTEE.

FOR THE RECORD, MY NAME IS GEORGE W. MOORE, AND I'M EXECUTIVE DIRECTOR OF THE MONTANA PRESS ASSOCIATION, WHICH REPRESENTS 68 WEEKLY NEWSPAPERS AND ALL 11 DAILY NEWSPAPERS IN THE STATE OF MONTANA.

I APPEAR BEFORE YOU THIS MORNING IN SUPPORT OF SB 264.

THIS BILL WOULD ACCOMPLISH TWO OBJECTIVES, AS WE VIEW IT.

IT WOULD, FIRST, RESULT IN THE PUBLIC BEING BETTER INFORMED ABOUT THE PERFORMANCE OF THEIR OFFICIALS, ELECTED AND APPOINTED.

AS THINGS STAND NOW, THE PUBLIC -- THE PEOPLE PAYING THE BILLS -- ARE PRETTY MUCH KEPT IN THE DARK REGARDING THE CONDUCT OF THEIR OFFICIALS IN INSTANCES INVOLVING CLAIMS AGAINST THE PUBLIC. AS A RESULT, THE PEOPLE HAVE NO GOOD WAY OF JUDGING WHETHER THEIR OFFICIALS HAVE RESPONSIBLY DISCHARGED THEIR DUTIES AND MINIMIZED PUBLIC EXPOSURE TO SUITS OF ALL KINDS.

AN EXAMPLE MAY ILLUSTRATE THE POINT. LET'S SAY WE HAVE A PUBLIC OFFICIAL WHO IS FOND OF ROMANCING THE LADIES IN HIS OFFICE. AND LET'S SAY THAT ONE DAY, ONE OF THE WOMEN SAYS ENOUGH IS ENOUGH AND FILES SUIT AGAINST THE GOVERNMENTAL ENTITY SHE WORKS FOR.

NOW, EVERYBODY KNOWS IT'S BETTER TO NEGOTIATE THAN LITIGATE, AND SO EVENTUALLY, A COMPROMISE IS STRUCK AND THE SUIT IS DROPPED.

AS THINGS STAND NOW, THE PUBLIC WILL IN ALL LIKELIHOOD NEVER FIND OUT THE TERMS OF THE COMPROMISE ... OR FOR THAT MATTER, WHETHER THE PUBLIC OFFICIAL EVER ADMITTED TO THE QUESTIONABLE CONDUCT.

SENATE BILL 264 ALSO WOULD ALLOW THE PUBLIC TO JUDGE WHETHER A GOVERNMENTAL ENTITY ... AND THE INSURER, IF ONE IS INVOLVED ... HAVE MOUNTED A RESPONSIBLE DEFENSE AGAINST CLAIMS ON THE PUBLIC PURSE.

THIS LAST POINT IS IMPORTANT, BECAUSE, ON THE ONE HAND, IT CAN HAVE A DIRECT BEARING ON THE AMOUNT OF FUNDS AVAILABLE FOR PUBLIC SERVICES, AND ON THE OTHER HAND, IT CAN HAVE A DIRECT BEARING ON THE AVAILABILITY OF INSURANCE AND THE PREMIUMS, WHICH ARE BASED UPON EXPERIENCE.

FINALLY, MISTER CHAIRMAN AND MEMBERS OF THE COMMITTEE, THERE APPEARS TO BE NO GOOD REASON FOR CONFIDENTIALITY REGARDING THE TERMS, CONDITIONS AND DETAILS OF COMPROMISES OR SETTLEMENTS.

EVERYONE ALREADY KNOWS THAT GOVERNMENTAL ENTITIES ARE SUBJECT TO SUIT ... AND ALL LAWYERS WORTH THEIR SALT ARE MORE THAN HAPPY TO SUGGEST AMOUNTS OF RELIEF TO PROSPECTIVE CLIENTS.

AS THINGS STAND NOW, THEN, THE ONLY PEOPLE KEPT IN THE DARK ABOUT COMPROMISES AND SETTLEMENTS ARE THE FOLKS PAYING THE BILL -- THE PUBLIC -- AND THE INFORMATION IS BEING NEEDLESSLY WITHHELD FROM THEM.

I THEREFORE URGE YOU TO SUPPORT SENATE BILL 264.

THANK YOU.


George W. Moore
Executive Director

February 6, 1987

SENATE STATE ADMIN.
EXHIBIT NO. 2
DATE 2-6-87
CALL NO. 58264

NAME: Dan Black DATE: 2/6/87

ADDRESS: Box 73, Kila, MT 59920

PHONE: 257-4525

REPRESENTING WHOM? Montana Press Assoc.

APPEARING ON WHICH PROPOSAL: SB 264

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE STATE ADMIN.
CLERK NO. 3
DATE 2-6-87
BILL NO. SB264

Despite occasional discomfort or awkwardness, government functions best when its business is open to public scrutiny. The Legislature recognizes that, and the Montana Open Meetings law is testament to your intention ~~that~~ to make governments accountable to the people they represent.

But through a quirk of law, Montanans are being deprived of information about the terms of claims against local governments settled out of court.

Let me give three examples from Flathead County.

- A woman unloading trash at the county landfill falls over the embankment and sues for injuries.
- A man attending the Northwest Montana Fair gets in the way of a horse and sues for injuries.
- A local adult book store sues the city council for attempting to impose restrictions by ordinance.

All three cases were settled out of court. By arrangement with the insurers, terms of the settlements were not made public. Terms were not included in court documents. Unofficial information indicates the first two were settled for several hundred thousand dollars each. The suit against the city was a smaller but substantial sum.

Now, despite the fact that I am a newspaperman and that this bill is supported by the Montana Press Association, this is not a newspaper issue. At issue is the public's right to know what its elected officials are up to, and I believe it is a good government issue.

There is not only a public curiosity; there is also a public financial interest in the cases and dozens of others like them.

If they had gone to trial, the public would have access to all the facts. Instead, they were settled out of court, and by agreement, no one is talking. The public is denied any accounting for what happened. The public cannot know if steps have been taken to correct any problems.

Clearly, the insurance companies are agents of the policyholder, and the premium is paid with tax dollars, tax dollars levied against every taxpayer in the county. By allowing the terms of the settlements to remain a secret, the insurance companies are removing the accountability from the public policy makers.

Decisions on settlements of claims on behalf of public bodies are public decisions that affect public policy and public pocketbooks, and as such, they should be subject to public scrutiny.

Furthermore, allowing settlements to remain secret encourages culpable individuals to settle out of court thereby keeping the evidence of their culpability from the public.

3
2-6-89
SB 264

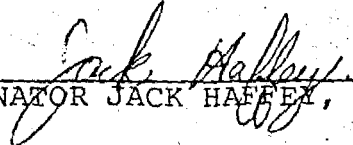
sen then MOVED TO PASS THE AMENDMENT PROPOSED. Senator Lynch seconded the motion. The motion carried. Senator Rasmussen then MOVED SENATE BILL 95 AS AMENDED DO PASS. Senator Lynch seconded the motion. Senator Lynch noted he felt this might be putting an undue burden on the shoulders of the clerk and recorders on election day. It was noted that the requests had to be submitted before election day however. Senator Haffey felt this might affect only a very few people but that it does give those who wish to vote by paper ballot a means of voting by this method. Senator Harding stated she felt it would make the clerk liable if a typing error was made and might even open the door to declare an election invalid if an error were discovered. Senator Vaughn felt it might force those who do not now print them to do so. Senator Hirsch spoke against the motion because he felt the clerks are making a very good effort now to educate the public into voting on the newer devices.

Senator Lynch then made a SUBSTITUTE MOTION TO TABLE SENATE BILL 95. Senator Harding seconded the motion. The motion carried with Senator Rasmussen voting "no."

EXECUTIVE ACTION ON SENATE BILL 264: Senator Lynch MOVED THAT SENATE BILL 264 DO PASS. Senator Anderson seconded the motion. The motion carried unanimously. Eddye McClure had talked with Senator Matt Himsl regarding an amendment he had suggested on Friday, February 6 and he did not feel it would be necessary.

The meeting was adjourned at 11:40 a.m.

cd


SENATOR JACK HAFLEY, Chairman

ROLL CALL

SENATE STATE ADMINISTRATION COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 2-9-87

NAME	PRESENT	ABSENT	EXCUSED
SENATOR JACK HAFNEY	X		
SENATOR WILLIAM FARRELL	X		
SENATOR LES HIRSCH	X		
SENATOR JOHN ANDERSON	X		
SENATOR J. D. LYNCH	X		
SENATOR ETHEL HARDING	X		
SENATOR ELEANOR VAUGHN	X		
SENATOR SAM HOFMAN			E
SENATOR HUBERT ABRAMS	X		
SENATOR TOM RASMUSSEN	X		

Each day attach to minutes.

STANDING COMMITTEE REPORT

FEBRUARY 9

87

19

MR. PRESIDENT

We, your committee on **SENATE STATE ADMINISTRATION**

having had under consideration

SENATE BILL

264

No.

first

reading copy (**white**)
color

GOVERNMENTAL SETTLEMENT AGREEMENTS SUBJECT TO PUBLIC INSPECTION
Hims1

SENATE BILL

264

No.

Respectfully report as follows: That

DO PASS

~~DO NOT PASS~~

SENATOR JACK HAFEEY

Chairman.

DAILY ROLL CALL

State Administration

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 3-5-87

NAME	PRESENT	ABSENT	EXCUSED
Walt Sales	✓		
John Phillips	✓		
Bud Campbell	✓		
Dorothy Cody	✓		
Duane Compton	✓		
Gene DeMars	✓		
Harry Fritz	✓		
Harriet Hayne	✓		
Gay Holliday	✓		
Loren Jenkins	✓		
Janet Moore		✓	
Richard Nelson	✓		
Helen O'Connell	✓		
Mary Lou Peterson		✓	
Paul Pistoria	✓		
Rande Roth	✓		
Tonia Stratford	✓		
Timothy Whalen	✓		

STANDING COMMITTEE REPORT

March 5

19 87

Mr. Speaker: We, the committee on STATE ADMINISTRATION

report SENATE BILL 264

☐ do pass
☐ do not pass

☒ be concurred in
☐ be not concurred in

☐ as amended
☐ statement of intent attached

Walter R. Sales

Chairman

ENVIRONMENTAL SETTLEMENT AGREEMENTS SUBJECT TO PUBLIC INSPECTION

third

reading copy (blue)

color

SENATE BILL #264

SETTLEMENTS ARE PUBLIC RECORD

Senate Bill #264 deals only with public sector, compromise or settlement of claims against the state and compromises or settlements of claims against political subdivisions, such as counties, cities and school districts.

When claims are settled by some court action, the settlements are public but when agreements are reached by compromise or negotiation, the public has no way of knowing yet pays the insurance bill that compensates the winner.

It has become not only fashionable but profitable to sue; the action makes the headlines -- then time drifts on -- eventually there is an announcement of a settlement but no one knows what it is. The public - the taxpayer has a right to know.

Our county business manager responded to questions on liability settlements that such information was confidential! I know of several cases where the press could not get the information.

Some of these tort claims against the state are of significant amounts. In the period from 1976 to Feb. 1986, the Dept. of Administration paid \$6,459,769 in settlements.

Individual agencies settled 51 claims for \$796,700. One claim was for over \$500,000.

This bill does not require publishing the terms or conditions of settlement but make them a matter of public record available for inspection.

Surely this is a reasonable, sensible, and forthright requirement for all stewards of the public trust and I respectfully ask for your support for a "do pass" recommendation on Senate Bill #264.

*Gov't has no right of privacy!
Justice may be blind but
ought not play hide and seek*

WITNESS STATEMENT

NAME George W. Mahors BILL NO. SB264
ADDRESS 1900 N. Main, Suite 2 DATE 3/5/87
WHOM DO YOU REPRESENT? Int. Press Assoc.
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

DISCUSSION OF SENATE BILL NO 264: Rep. Cody asked if the bill would be a violation of any rights of privacy. Sen. Himsl replied that the government has no right to privacy, and when the individual brings an action against the state, he surrenders the right to privacy in that proceeding. Sen. Himsl closed discussion on Senate Bill No. 264 by stating that justice may be blind but it ought not play hide-and-seek.

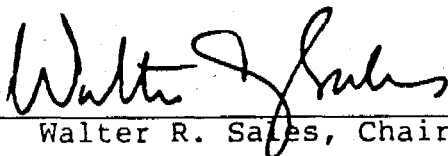
DISPOSITION OF SENATE BILL NO. 123: Rep. Cody moved the bill BE CONCURRED IN, seconded by Rep. Campbell. The motion passed unanimously (18-0).

DISPOSITION OF SENATE BILL NO. 124: Rep. Campbell moved the bill BE CONCURRED IN, seconded by Rep. Phillips. The motion passed 17-1 with Rep. Peterson voting no. Rep. Nelson will carry the bill.

DISPOSITION OF SENATE BILL NO. 161: Rep. O'Connell moved the bill BE CONCURRED IN, seconded by Rep. Pistoria. The motion passed 14-3 with Reps. Sales, Campbell, and Phillips voting no, and Rep. Jenkins abstaining. Rep. Mercer will be requested to carry the bill.

DISPOSITION OF SENATE BILL NO. 264: Rep. O'Connell moved the bill BE CONCURRED IN, seconded by Rep. Pistoria. The motion passed unanimously (18-0). Rep. Whalen volunteered to carry the bill.

ADJOURNMENT: There being no further business to come before the committee, the meeting adjourned at 11:10 a.m.



Walter R. Sales, Chairman

VISITORS' REGISTER

STATE ADMINISTRATION COMMITTEE

BILL NO. SB 264

DATE 3-5-87

SPONSOR _____

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.